**Bangor Area Stormwater Group**

December 10, 2020 Meeting Minutes

Remote Meeting Via Zoom

9:00 am – 11:00 am

**Attendees:** Rich May, Cara Belanger, Amanda M., Ken Locke, John Rouleau, Andrea Dickinson, Phil Ruck, Camden Amoroso, Christopher Greene, Jodi Munster, Rhonda Poirier, George Hanson, Belle Ryder, Kyle Drexler. New attendees: Victor Smith (Hampden) and Sarah King (Haley Ward). Special Guest: Kristie Rabaska (SMSW/ISWG). Facilitator: Brenda Zollitsch.

**Welcome and Introductions**

Rich M. welcomed everyone. The group welcomed Victor Smith (from Hampden) and Sarah King (from Haley Ward). Both will be joining BASWG meetings regularly. Kristie R. joined the group from SMSWG to discuss the appeal to the DEP MS4 Permit by FOCB and the work they are doing in Southern Maine in response.

**Maine DEP Update**

* FOCB’s appeal of the MS4 permit is on. DEP was not successful at deterring the appeal.
* The NOI form is currently down and being updated. Rhonda hopes to have the revised NOI up by the end of December. MS4s will be asked to attach their updated SWMP with the NOI, but not the OM plan or SWPP at that tie. The SWMP should include updated SOPs to match MCM 3 changes and an IDDE program update.
* DEP is about a year behind in annual report reviews. Rhonda likes to review staff responses. DEP is on schedule to start in January.
* Rhonda will not be doing audits currently (due to Rhonda’s schedule, not Covid) EPA is requesting DEP do desk audits. DEP may do some desk audits, but EPA more lenient than DEP on these. If an MS4 wants a desk audit, Rhonda is looking for good attachments, including which sites have been expected and when. The intent of a DEP desk audit is to determine compliance. MS4s will be notified of any desk audit plans, but she has not communicated about any intended desk audits . DEP has been strongly encouraged by EPA to take permit reports as desk audits.

**Discussion About Response to FOCB Appeal -** Update provided by Kristie R.

* FOCB wants to encourage LID for development.
* The appeal process is not clear.
* Kristie R. has met with Ivy F. from Friends of Casco Bay (November 23rd call along with Brian B., Gregg Wood and Fred Dillon). They discussed language provided by Kristie, which focused on communities *promoting* the use of LID and providing a statement that the developer had *considered* LID. FOCB did not agree and said that this did not meet Maximum Extent Practicable requirements.
* Kristie R. then had a technical meeting with DEP staff where they proposed stronger language (similar to what FOCB might have agreed on). However, ISWG did not want this stronger language and decided on a third draft request. This 3rd draft was shared on a December 3rd call with Kristie R., Ivy Francona, Newton Tedder, Gregg Wood, Brian B., Amy Mountain, and Fred Dillon. The language from the ISWG was rejected. DEP has said it would consider FOCB’s proposed language, as it will allow for water quality progress. Ivy is not willing to negotiate unless *all* MS4s are willing to agree to the settlement language.
* Discussion: MS4s should not be the ones required to determine MEP for LID. If there is to be an ordinance, it should be all Maine communities, not just MS4s.
* On December 4th, DEP notified the Board of Environmental Control about the appeal. Waiting for a Board date. There will be an opportunity to submit additional information and for MS4s to comment on the merits of FOCB’s appeal. A letter was sent from Bill Hinkle at the Board.
* Andrea and Belle shared that they want changes to MCM 5. EPA comments on the 5th draft are now contradicted by changes in the current draft permit. While this was not a problem for DEP before, apparently it is no. They had not made a comment previously.
* A member of BASWG stated that Gregg W. was involved in crafting language to appease FOCB (“strange process”). Rhonda disagreed and said that the language was changed to appease all parties. Rhonda was not included on these calls.
* Important: Rhonda confirmed that SWMPs are still due on March 31st, despite the appeal.
* **Action:** Rhonda is asking if there can be any emergency accommodation re COVID (for either the content or timing)
* The BASWG is invited to join the multi-cluster response effort. Appeal effort estimate is around $7k with SWMSWG and ISWG already collaborating. Discussion indicates that BASWG has concerns that representatives from the BASWG were not included in the statewide permit discussion and comments/decisions may not entirely represent the interests of the BASWG. LID is a very local decision and the interests of the other groups (around Casco Bay) may not be exactly the same as those in the BUA. The group expressed appreciation for the work that Kristie has done. The BASWG would consider hiring Kristie or another consultant to assist with a letter representing the group’s own interests. Another consultant might be Sharon Newman, a lawyer that BASWG has worked with in the past and has technical expertise on these issues.
* **Decisions:**
	+ BASWG seeks to have an independent voice. The BASWG wants to make its own points without having to come to agreement with the other clusters, which may have other interests or requirements than BASWG.
	+ The BASWG does not want to contribute to the southern Maine work on appeals unless it has a voice in negotiations.
	+ BASWG will seek inclusion/representation during the appeal process (either as an interested party/intervenor/respondent – checking which is the appropriate role).
	+ Rich M. will email Bill Hinkle at the Board to let him know that BASWG wants to be involved in the response process.
	+ BASWG will consider submitting its own letter on the appeal.
	+ Andrea D. will begin drafting a comment letter for review by the group.
	+ The BASWG will secure legal expertise to ensure that the letter is legally supported and accurate. A limited, defined scope of work for the legal consultant would be developed and an estimate requested before committing to this support. The BASWG could use funding from the Reserve Fund to pay these expenses.
	+ Rich M. will contact Kristie R. to share the BASWG’s plans.

**Education and Outreach**

* Pulse Marketing provided a review of the proposed contract for BASWG education and outreach. The proposal includes proposed 2021 education and outreach campaigns and investment costs. The proposal was presented by Camden Amoroso and Chris Greene of Pulse.
* The proposal is critical to the delivery of MCM 1 and 2 requirements, especially during the Covid-19 pandemic, as a shift to contactless online outreach has been approved by DEP for the BASWG’s compliance activities in PY7 and PY8.
* Pulse’s $15,8400 proposal includes:
	+ Social media management
	+ Seasonal-based Social Media Advertising (display set-up and social ad fees)
	+ Adjustable weather-based targeted display ads (run across thousands of websites), estimating a minimum of 50,000 impressions per month.
	+ Video production, which includes coordination, development of a discussion guide, video shooting, voiceover, editing and production)
	+ Pre-roll video advertising (run prior to streaming content on a variety of electronic media, estimating a minimum of 20,000 impressions per month.

**Next Cycle SWMP Plan Development**

* The BASWG’s SWMP plan is due in March 2021.
* Decisions
	+ MCM 1:
		- First outreach campaign will focus on the general public (during COVID focus on display ad campaign with BASWG characters; Maine Science Festival event when public safety requirements can be met)
		- Second outreach campaign will be conducted by the individual MS4s in the BUA. BASWG may provide some supports to the group upon their request.
		- First behavior change campaign will focus on changing winter maintenance actions that lead to stormwater pollution in MS4 operations
		- Second behavior change campaign will focus on residents that conduct their own snow and ice removal in the BUA.
	+ MCM 2:
		- Via targeted electronic outreach until Covid-19 risk is reduced
		- Public event will be the Maine Science Festival (when public safety can be achieved)
	+ MCM 3-6
		- BASWG will not include in plan, has not requirements
* Brenda Z. will pull together BASWG’s decisions into the written plan. She will provide a draft plan to the plan development team for discussion.
* The BASWG will hold a Zoom planning meeting on Thursday, January 14th from 9-11 am to discuss the appeal comment letter and draft SWMP content and commitments.

**Spring 2021 E&O Compliance**

* The BASWG received approval from Kathy H. for changes in the Spring E&O compliance activities due to COVID-19.
* Spring compliance activities will focus on the BASWG’s existing social media and display ad outreach and develop a new display ad campaign and landing page on the proper disposal of personal protective equipment (PPE), including masks, gloves, sanitizer bottles, and wipes.
* Pulse marketing will develop an animated video for this work, including the PPE characters and messaging about proper disposal of these items.
* This will allow targeted outreach with updated graphics to complement the seasonal display ad campaigns.
* Since October, the seasonal campaign has brought 369 unique users to the BASWG landing pages.
* Pulse is developing surveys at the end of each landing page to collect data for evaluation.
* Pulse is also working with Cara B. to film the enviroscape demonstration. Video clips from this demo will be segmented and used on social media and the website. These will be used as “pre-roll” on YouTube, utilizing a regional geofence. Clip lengths will be short (15-30 seconds) and will be seen on Smart TVs, Amazon, etc., where they will get a lot of user traffic.

**Organizational Business**

* **Budget Report:** Kyle D. reports that to date, the BASWG has expended one third of its budget. The BASWG is partway through its annual budget year (July 1 – June 30). Expenses are scheduled to be larger in the spring than other times of the year, as that is when most of the education and outreach work of the BASWG takes place. Currently, the BASWG has spent $10,600 of its budget.
* **Approval of BASWG Minutes:** The BASWG members reviewed minutes from the October meeting. **Decision:** Belle R. made the motion to accept the minutes with proposed changes. John R. seconded the motion. The motion passed unanimously.
* **The City of Brewer has a new staff member:** Travis, who has been hired to fill Tracy’s former position.

**Next BASWG Meetings**

* The BASWG will have a special planning meeting (all members welcome) on **Thursday, January 14th from 9-11 am via Zoom** to review and provide input to the draft SWMP and discuss plans for commenting on the FOCB’s appeal. Action: Rich M. will send out a reminder and Zoom link for this meeting.
* The BASWG’s next full membership meeting is on **Thursday, February 11th from 9-11 am via Zoom** and will be the Annual Meeting of the organization. The meeting will be held via Zoom. Agenda items include the year in review, budget report, executive committee election, SWMP review and vote, and any spring 2021 planning/decisions. Brenda Z. will send out the agenda and Zoom link for this meeting.